

Applicant: James J. Rudnick
Application Serial No.: 09/977,823
Filing Date: October 15, 2002
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REMARKS

The application has been amended. Claims 44-53 drawn to a method of forming an intraluminal stent have been withdrawn without prejudice.

The Examiner has indicated that restriction is required under 35 U.S.C. §121 between the claims of two allegedly distinct inventions, Invention I directed to an intraluminal stent (claims 19-43) and Invention II directed to a method of forming an intraluminal stent (claims 44-53). In response, the Applicant hereby elects without prejudice Invention I, claims 19-43, and withdraws from prosecution Invention II, claims 44-53.

Further, upon the election of Invention I, the Examiner has further required an election of species.

Applicant hereby elects Species A shown in Figures 2-6. Applicant hereby further identifies claims 19-24, 26-35 and 38-42 as encompassing the elected species.

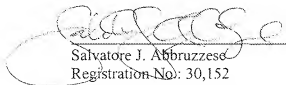
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It is respectfully submitted that the restriction requirement, as well as the election of species, has been fully addressed and that the application is, therefore, in condition for examination. Favorable action thereon is respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees, including additional claim fees, associated with this communication, or credit any overpayment, to Deposit Account No. 20-0776. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Should the Examiner have any questions regarding this response, the undersigned would be pleased to address them by telephone.

Respectfully submitted,



Salvatore J. Abbruzzese
Registration No: 30,152
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700